

**Minutes of 861<sup>st</sup> Meeting of the  
Town Planning Board held on 23.6.2006**

**Present**

Permanent Secretary for Housing, Planning and Lands  
(Planning and Lands)  
Mrs. Rita Lau

Chairperson

Dr. Peter K.K. Wong

Vice-chairman

Mr. Michael K.C. Lai

Dr. Greg C.Y. Wong

Professor Nora F.Y. Tam

Mr. Nelson W.Y. Chan

Mr. David W.M. Chan

Mr. Leslie H.C. Chen

Dr. Lily Chiang

Professor Peter Ronald Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Professor Bernard Vincent W.F. Lim

Dr. C.N. Ng

Dr. Daniel B.M. To

Mr. Stanley Y.F. Wong

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Walter K.L. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Ms. Starry W.K. Lee

Mr. K.Y. Leung

Director of Planning  
Mr. Bosco Fung

Director of Lands  
Mr. Patrick L.C. Lau

Principal Assistant Secretary (Transport)  
Environment, Transport and Works Bureau  
Ms. Ava Chiu

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Ms. Carmen K.M. Chan

Mr. Erwin A. Hardy

Professor David Dudgeon

Professor N.K. Leung

Ms. Sylvia S.F. Yau

Director of Environmental Protection  
Dr. Michael Chiu

Assistant Director(2), Home Affairs Department  
Ms. Linda Law

**In Attendance**

Assistant Director of Planning/Board  
Mr. S. Lau

Chief Town Planner/Town Planning Board  
Mr. C.T. Ling (a.m.)  
Ms. Brenda K.Y. Au (p.m.)

Senior Town Planner/Town Planning Board  
Miss Fiona S.Y. Lung (a.m.)  
Mr. Tom C.K. Yip (p.m.)

1. The Chairperson extended a welcome to Members.

### **Agenda Item 1**

[Open Meeting]

#### Confirmation of Minutes of the 860<sup>th</sup> Meeting held on 9.6.2006

2. The minutes of the 860<sup>th</sup> meeting held on 9.6.2006 were confirmed without amendment.

### **Agenda Item 2**

[Open Meeting]

#### Matters Arising

- (i) Draft Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/10 and  
Draft San Tin Outline Zoning Plan No. S/YL-ST/7  
Further Consideration (Hearing) of Objection No. 1

3. The Secretary said that at the hearing of the captioned objection at the Board's meeting on 21.4.2006, a representative of the San Tin Rural Committee (STRC), Mr. Man Chi-sheung, said that his land in San Tin had become flood-prone as a result of the Government raising the ground levels in the vicinity for infrastructure works. Mr. Man further claimed that he could no longer use his land for cultivation, and the impasse he faced was not an isolated incident. In this regard, the Board agreed to request the Director of Agriculture, Fisheries and Conservation (DAFC) to look into the case and consider what assistance, if any, could be offered to the local farmers.

4. The Secretary continued to say that DAFC advised on 9.6.2006 that his staff had tried to contact Mr. Man several times but was informed that he was out of Hong Kong and the location of Mr. Man's land was not known. His staff subsequently contacted Miss Lau, assistant to the Secretary of STRC, inviting her for a joint site visit to evaluate the situation. She declined the invitation and requested that the local farmers be allowed to fill their land up

to 3m. It appeared that DAFC was not able to offer further assistance to Mr. Man at this stage. DAFC also advised that any farmer whose land was affected by a public work project might lodge a complaint to the Home Affairs Department, which would collate a formal investigation with the concerned Government departments. DAFC could assist in providing a damage assessment report for consideration by the concerned parties under normal circumstances. Members noted the action that had been taken by DAFC.

#### Abandonment of Town Planning Appeal

- (ii) Town Planning Appeal No. 1 of 2006 (1/06)  
Temporary Lorry and Visitor Car Park for a Period of 3 Years in  
“Comprehensive Development Area (2)” zone  
Lots 1212DRP(Part) in DD 115 and Adjoining Government Land  
Chung Yip Road, Nam Sang Wai, Yuen Long  
(Application No. A/YL-NSW/163)

5. The Secretary said that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 11.1.2006 against the decision of the Board on 4.11.2005 to reject on review an application for a temporary lorry and visitor car park for a period of 3 years at a site zoned “Comprehensive Development Area (2)” on the draft Nam Sang Wai Outline Zoning Plan. The appeal was abandoned by the appellant of his own accord and the abandonment was confirmed on 21.6.2006 by the TPAB in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

#### New Town Planning Appeal Received

- (iii) Town Planning Appeal No. 11 of 2006 (11/06)  
Temporary Wholesale Trade Use for a Period of 3 Years in  
“Other Specified Uses” annotated “Business”  
Units G and H, 6/F., Yip Fat Factory Building, Phase 2  
75 Hoi Yuen Road, Kwun Tong  
(Application No. A/K14/473)

6. The Secretary said that an appeal against the decision of the Board to reject on review an application for temporary wholesale trade use for a period of 3 years was received by the Town Planning Appeal Board on 21.6.2006. The subject site was zoned "Other Specified Uses" annotated "Business" on the draft Kwun Tong South Outline Zoning Plan No. S/K14S/12. The application was rejected by the Board on 24.3.2006 on the ground that the application was not acceptable from fire safety point of view. The hearing dates of the appeal were yet to be fixed.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

- (iv) Town Planning Appeal No. 10 of 2006  
Proposed Temporary Vehicle Park for Goods Vehicles, Coaches and  
Container Vehicles for a Period of 3 Years in "Green Belt" zone  
Lot Nos. 867 S.A, 867 S.B, 867 S.C RP, 2507 S.A RP and 2507 S.B in  
D.D. 130 Lo Fu Hang, Tuen Mun  
(ApplicationNo.A/TM-LTYYY/129)

7. The Secretary said that another appeal against the decision of the Board to reject on review an application for a temporary vehicle park for goods vehicles, coaches and container vehicles for a period of 3 years was received by the Town Planning Appeal Board on 13.6.2006. The subject site was zoned "Green Belt" ("GB") on the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6. The application was rejected by the Board on 24.3.2006 on the grounds that the development was not in line with the planning intention of the "GB" zone and was not compatible with the residential dwellings in the vicinity; and there was no information in the submission to demonstrate that the development would not have adverse traffic, drainage and environmental impacts on the surrounding areas. The hearing dates of the appeal were yet to be fixed.

- (v) Appeal Statistics

8. The Secretary said that as at 23.6.2006, 28 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	16
Dismissed	:	83
Abandoned/Withdrawn/Invalid	:	116
Yet to be Heard	:	28
Decision Outstanding	:	3
Total	:	246

### **Agenda Item 3**

[Open Meeting]

Kai Tak Planning Review

(TPB Paper No. 7614)

[The meeting was conducted in Cantonese.]

9. The Chairperson said that the purpose of this item was to brief Members on the progress of the Kai Tak Planning Review.

10. Ms. Starry W.K. Lee, Mr. K.Y. Leung, Dr. Greg C.Y. Wong and Mr. Leslie H.C. Chen declared interests on this item as they were members of the Harbour-front Enhancement Committee (HEC). Ms. Starry W.K. Lee was also a member of the Kowloon City District Council, while Mr. Nelson W.Y. Chan was a member of the Kwun Tong District Council (KTDC). Professor Nora F.Y. Tam was the consultants' advisor on odour. The Chairperson said that the Board welcomed early opportunities for exchange of view with all stakeholders. As the Kai Tak Planning Review was now at the public consultation stage, the dual roles of Members and their participation at the meeting would allow direct exchange of views and enhance dialogue on the planning of Kai Tak. Members agreed.

11. The following representatives from the Government, study consultants and HEC were invited to the meeting at this point:

Mr. Anthony Kwan	Assistant Director of Planning, Planning Department (PlanD)
Mr. Raymond Lee	District Planning Officer/Kowloon, PlanD
Mr. Kelvin Chan	Senior Town Planner/Kowloon, PlanD
Mr. Talis Wong	Chief Engineer/Kowloon, Civil Engineering Development Department (CEDD)
Mr. K.M. Fung	Chief Assistant Secretary, Economic Development and Labour Bureau (EDLB)
Mr. Sam Hui	Assistant Secretary, EDLB
Mr. Charles Chu	Project Advisor (Recreation and Sports), Home Affairs Bureau (HAB)
Mr. Daniel Sin	Assistant Secretary, HAB
Ms. Iris Tam	) City Planning – Maunsell Joint Venture
Mr. Eric Ma	)
Dr. W.K. Chan	Chairman, HEC Subcommittee on South East Kowloon Development Review

12. The Chairperson extended a welcome and invited the representatives to present the Paper.

[Mr. Leslie H.C. Chen arrived to join the meeting at this point.]

13. Before proceeding with the presentation, Mr. Anthony Kwan said that the title of the covering page of the Paper should read “Stage 3 Public Participation”. With the aid of Powerpoint slides, Mr. Anthony Kwan made the following main points:

- (a) background – Stages 1 and 2 public participation of the Kai Tak Planning Review (the Study) were completed in late 2004 and early 2006 respectively. The Study was now at Stage 3 and the public would be invited to give views on the draft Preliminary Outline Development Plan (PODP);
- (b) POPD – a mix of land uses was proposed, with one-third of the area reserved for open space and promenade. A physical model to illustrate the land use proposals was displayed at the meeting;



- (c) reclamation issues – the ‘no reclamation’ approach was well supported in the community. Results of the preliminary technical investigation showed that there was as yet no cogent evidence to demonstrate that reclamation of the Kai Tak Approach Channel (KTAC) was needed. The PODP was thus prepared on the basis of the ‘no reclamation’ scenario; and
- (d) technical assessments – the Preliminary Technical Assessments were ongoing. Some proposals raised by the public, such as providing a footbridge link to Kwun Tong, were subject to further assessment and thus had not been included in the PODP at this stage.

14. With the aid of Powerpoint slides and video clips, Ms. Iris Tam made the following main points:

- (a) Stage 3 public participation – a simplified version of PODP was used for public consultation. The proposals presented in the PODP were subject to the findings of the on-going Preliminary Technical Assessments. The finalised PODP would provide the basis for amendments to the Kai Tak Outline Zoning Plans (OZPs);
- (b) vision and planning theme – the vision was to create a distinguished, vibrant, attractive and people-oriented Kai Tak by Victoria Harbour, while the planning theme was for a new harbour-front, city of heritage, green, sports and tourism developments;

[Dr. Lily Chiang arrived to join the meeting at this point.]

- (c) planning and urban design framework – the essential elements were identified. The overall framework was to integrate Kai Tak with its six adjacent neighbourhoods and to plan for its six main sub-areas;
- (d) urban design and landscape proposals – the major urban design proposals covered seven main themes and the key landscaped open spaces included the Metro Park, Stadium Plaza, Runway Park, Station Square, Sung Wong Toi

Park and Waterfront Promenade;

- (e) road, railway and pedestrian connection – the strategic highway and local primary/district distributor roads, the Shatin to Central Link, and the existing and proposed pedestrian connections, in particular the connection with the adjacent districts were shown on plans;

[Ms. Anna S. Y. Kwong arrived to join the meeting at this point.]

- (f) land use proposals – a mix of land uses was proposed for a planned population of about 86 500 persons. The estimated numbers of new flats and new hotel rooms were about 29 000 and 6 800 respectively and the estimated additional office gross floor area (GFA) was about 0.7 million m<sup>2</sup>. The key development proposals in the Kai Tak City Centre, Sports Hub, Metro Park, Runway Precinct, Mixed Use Corner and Tourism and Leisure Hub were explained in detail; and
- (g) Stage 3 public participation activities – forums, exhibition, public engagement events and briefing would be organised. The public would be invited to give their views during the two months consultation period, starting from 23 June.

15. Dr. W.K. Chan made the following main points:

- (a) the PODP reflected most of the public views gathered in the early stages of public participation. All views had been carefully considered and thoroughly discussed, though some were not taken up. There were various proposals for Kai Tak and the difficult task was to integrate all these proposals and create a unique identity of Kai Tak;
- (b) the views collected in the Stages 1 and 2 public participation showed that the public treasured the retention of the spirit of Kai Tak, namely the historic and cultural identity of Kai Tak as a whole. In the PODP, the heritage assets in Kai Tak and its adjacent areas would be preserved and enhanced in the proposed Heritage Trail;

- (c) the public also considered that the runway was the soul of Kai Tak and should form the landmark of the area. In the PODP, the northern section of the runway would be developed into the Metro Park, which would form a major open space for Kowloon, while the middle part was planned for mixed residential/retail/cultural uses to ensure adequate attractions and patronage to the runway. The possible concern was that the open space might be 'privatised' by the low-density residential development. Further views from the public would be sought to ensure that the Metro Park would meet their needs and be developed into a public open space for enjoyment by the public;
- (d) connecting Kai Tak with the surrounding neighbourhoods was critical to the successful planning of Kai Tak. Various proposals on linking Kai Tak with its neighbourhoods had been considered. More views on how Kai Tak could be linked up with Kwun Tong were welcome. As the tip of the runway would be developed into major international attractions, it would be desirable if this part of the runway could be linked up with Kwun Tong; and
- (e) upon completion of the Stage 3 public participation, it would be the work of the Board to consider the proposed amendments to the Kai Tak OZPs. Members were invited to actively participate in this round of consultation and get prepared for the next stage of work.

16. The comments/questions raised by Members were summarized as follows:

General

- (a) the preparation of a physical model to illustrate the land use proposals in the PODP was commendable;
- (b) some Members expressed appreciation of the innovative approach and new concept adopted in carrying out the Kai Tak Planning Review and preparing the PODP; and some praised the incorporation of public wisdom in preparing the PODP;

Connectivity with Kwun Tong and Other Neighbourhoods

- (c) the main public concern was on the connectivity of Kai Tak with its surrounding districts, particularly the connection with Kwun Tong. Some Members considered that Kwun Tong should be linked up with Kai Tak by vehicular access. While noting that construction of a bridge would require construction of protective structure on the seabed, some Members were of the view that such structure might not be regarded as reclamation under the Protection of the Harbour Ordinance. Even if reclamation was required, some Members considered that it could be justified on traffic grounds and should be able to satisfy the over-riding public need test;
- (d) without a vehicular or a pedestrian link to Kai Tak, Kwun Tong would not have direct access to the facilities proposed in the Kai Tak development. Other than an openable pedestrian bridge which might not be technically viable, alternative means such as hanging bridge, tunnel or water taxi should also be considered;
- (e) a Member noted that the Kwun Tong Public Cargo Working Area (PCWA) had imposed technical constraint on the design and provision of a pedestrian footbridge link between Kai Tak and Kwun Tong. This Member asked whether there was any plan to relocate the PCWA. Another Member however noted that although the PCWA was not a pleasant land use, it served an important economic function in handling cargoes from the Pearl River Delta. In planning the use of the harbour, consideration might be given to developing the eastern harbour for leisure and the western harbour for work;
- (f) whether the connection with San Po Kong was sufficient to bring about revitalization of San Po Kong upon the development of Kai Tak;
- (g) how the Trade Mart in Kowloon Bay would be linked up with the development in Kai Tak;

Connectivity within Kai Tak

- (h) the distance from Kai Tak City Centre to the Runway Park was some 3 km, which was very long. How the pedestrians from Kai Tak City Centre would gain access to the Metro Park and Runway Park;
- (i) further thoughts should be given to providing a system of people-mover, mono-rail, underground railway, or environmental-friendly transport vehicles, etc. to better link up the whole area;
- (j) more information was required on how the railway network, road traffic, cycle path and pedestrian walkway, etc would be connected;

#### Metro Park

- (k) a Member noted that a 600m opening at the northern end of the ex-runway would be created to mitigate the environmental problems of KTAC. The opening would then be decked over to form part of the Metro Park. The Metro Park was located away from residential developments in the northern part of Kai Tak City Centre. Concern was raised on the long walking distance that the local residents had to make through the Sports Hub to the Metro Park;
- (l) the Metro Park would adjoin the low-density residential developments in the Runway Precinct, but at a distance from the existing residential neighbourhoods. Whether the Metro Park would become a 'private' garden only to be conveniently enjoyed by the residents in the Runway Precinct;

#### Runway Precinct

- (m) the Runway Precinct, which was located in between the Metro Park and the Tourism and Leisure Hub, was proposed for low-density residential development. While the new concept of mixed residential/retail/cultural uses was welcome, there was doubt on its practicality. Concern was raised on how the high-class residential development, located in the middle section of the 2.5 km runway, could be integrated with the tourist activities in the planned tourist hub at the end of the runway;

### Sports Hub

- (n) a Member noted that the proposed location of the stadium complex was at a distance from San Po Kong and Choi Hung and suggested relocating the Sports Hub to a location closer to the local population, while another Member suggested swapping the Sports Hub with the Kai Tak Grid Neighbourhood;
- (o) the multi-purpose stadium would take up about 23 ha of land and occupy a prominent waterfront location. It might not be appropriate to put the stadium at a waterfront site as it would be an enclosed structure within which users would not be able to enjoy the sea view. The stadium could be relocated inland;
- (p) if the stadium was to be built at the waterfront, whether the air ventilation impact on the adjacent high-rise developments had been assessed;
- (q) the noise impact of the proposed stadium with a seating capacity of 45 000 would be significant. Assessment on the noise impact should be conducted;
- (r) as there was another stadium in Tseung Kwan O, why it was necessary to build a 23 ha stadium complex in Kai Tak;
- (s) the visual impact and effect on air ventilation of the proposed Shatin to Central Link (SCL) depot located in the northern edge of the apron area should be properly assessed;

### Land Use Proposals

- (t) a Member supported the reservation of a site for hospital development and another Member supported medium-density development for Kai Tak;
- (u) the proposed heliport should not occupy such a prominent location at the tip of the runway. Consideration should be given to relocating it to other more suitable location and releasing the site for open space development. The

noise impact of the heliport on the adjacent Runway Park should also be duly taken care of;

#### Road Connection and Traffic Impact

- (v) whether there would be any expressway to link up Kai Tak with other parts of Kowloon such as Hung Hom;
- (w) the Tourism and Leisure Hub located at Kai Tak Point was connected to the Kai Tak City Centre by a single road. It was envisaged that the cruise terminal would attract a large number of tourists and visitors. The traffic impact generated by the tour buses should be duly considered;
- (x) in connection with (w), the noise impact arising from the traffic generated by the Cruise Terminal would have adverse impact on the Metro Park and the residential developments in the Runway Precinct sharing the same road with the Cruise Terminal. Special attention should be paid to mitigating the adverse environmental impact;

#### Environmental Impact

- (y) what the basis for proposing a 600m opening for the KTAC was;
- (z) whether there was any assessment on water flow to ascertain if there would be any sedimentation problems in the To Kwa Wan Typhoon Shelter;

#### Preservation of History and Culture

- (aa) the historical and cultural heritage of Kai Tak should be preserved. Consideration should be given to reserving a site for a museum of aviation history of Kai Tak;
- (bb) the attractions on the heritage trail were far apart. Some of the attractions were segregated by roads and difficult to access. Consideration should be given to better integrating the various attractions;

### Implementation

- (cc) consideration should be given to dividing the large land parcels into smaller size; and
- (dd) whether there was any implementation programme of the planned open spaces, which would take up some 30% of the Kai Tak area.

17. In response, Mr. Anthony Kwan and Ms. Iris Tam made the following main points:

### Connectivity with the Neighbourhoods

- (a) connecting Kai Tak with its adjacent neighbourhoods had been carefully investigated. The idea of an openable pedestrian bridge to connect Kai Tak Point with Kwun Tong waterfront had been explored, but the proposal was fraught with technical and operational problems and would involve reclamation. With the reduction in population density in Kai Tak and the fact that the runway was within 5 minutes travel distance from Kwun Tong, additional road link in the form of a tunnel might not be justified on traffic ground. Notwithstanding, connection with Kwun Tong would be further investigated upon the decommissioning of the PCWA;
- (b) the Kwun Tong waterfront was planned for development of a public promenade, but there was no programme of implementation yet. Possible pedestrian connection between Kai Tak Point and Kwun Tong waterfront would be revisited upon the redevelopment of Kwun Tong waterfront. The relocation of the existing PCWA would affect the livelihood of the workers and further discussion among the relevant bureaux and departments would be necessary;

### Connectivity within Kai Tak

- (c) environmental friendly transport vehicles would provide feeder service from Station Square through the Metro Park to the Runway Park at the tip of the



runway;

### Sports Hub

- (d) at Stage 2 Public Participation when the public was consulted on the three Outline Concept Plans, the stadium was proposed at a more central location with residential developments on both sides in the North Apron Area. The public view gathered at that time was that the site had pre-empted the overall layout and the sports facilities should be integrated with the Metro Park. The presently proposed stadium site at the waterfront location would make it a landmark in Victoria Harbour;
- (e) locating the stadium in the western part of North Apron Area would have the effect of providing a buffer to separate the high-rise residential developments in To Kwa Wan with those in Kai Tak and help revitalise the old areas in To Kwa Wan. The stadium would be connected to the Kai Tak Station through a convenient and easily accessible walkway system; and

### Runway Precinct

- (f) the residential development in the Runway Precinct would be restricted to a plot ratio of 3. The medium-rise housing would be developed above podium level with shop frontage at ground level. The pedestrianised shopping street would help enhance vibrancy in this area, while the residents would be segregated from the visitors and would enjoy a quiet living environment at the podium level.

18. Mr. Eric Ma made the following main points:

- (a) the Kai Tak site was strategically located and well served by existing and planned strategic highways. The Central Kowloon Route served to provide a convenient route linking up West Kowloon with East Kowloon. Through the interchange at Kai Tak, the traffic from Central Kowloon Route could gain access to Kowloon Bay and Kai Tak;

- (b) within Kai Tak, there were a number of existing primary/district distributor roads, mainly two-lane one-direction, with wider roads leading to the stadium. The runway would be served by two roads, one along the runway itself, and the other along Kowloon Bay and Kwun Tong and connected to the runway via the taxiway bridge. The distributor road along the runway would be built below a landscaped deck to minimise possible noise impact on the residential development;
- (c) a central pedestrian boulevard reminiscent of the ex-Kai Tak Runway was proposed in the centre of the runway, thus pedestrians would be segregated from the road traffic. Bicycle tracks would also be provided;
- (d) the distance from the Kai Tak City Centre to the end of the runway was about 3km and would be connected by pedestrian-oriented landscaped walkways. Environmental friendly transport vehicles would also be provided. Other alternatives such as mono-rail and underground railway had been considered but were not pursued further in view of viability considerations;
- (e) the study team had been undertaking detailed studies on the environmental problems of the KTAC. A multi-pronged approach would be adopted including bioremediation treatment at KTAC for treatment of sediments to address the odour problem. A pilot field test had been conducted to evaluate the effectiveness of this method. Monitoring of the sediments and water quality would continue for one year;
- (f) other measures to improve the water circulation and reduce sedimentation including creating an opening at the northern end of the runway. Openings of 200m, 400m and 600m were tested and the results showed that the performance of a 600m opening achieved more positive results;
- (g) the Kai Tak Development was a Designated Project under the Environmental Impact Assessment (EIA) Ordinance and would be subject to a statutory EIA study to determine the environmental acceptability of the proposals. In the long term, it would be necessary to identify and eliminate the polluted discharges at the origin, which would be the on-going effort of the concerned

departments.

19. Mr. Daniel Sin made the following main points:

- (a) the stadium complex in Kai Tak would comprise a modern 45 000-seat main stadium for hosting international sports competition, major local sports events and other activities, and a secondary stadium and an indoor sports arena with a seating capacity of 5 000 and 4 000 respectively. Other supporting and ancillary facilities were also provided. The open space around the stadium complex was to allow for safe dispersal of spectators when events were held and could be used by the public at other times;
- (b) the multi-purpose stadium would have a retractable roof and would not generate adverse noise impact on the surrounding environment. The turf would be removable. Its prominent location would make the stadium a new icon in the Victoria Harbour; and
- (c) the stadium in Tseung Kwan O served different functions. It would have 3 500 seats and would mainly be used for track and field events.

[Dr. W.K. Chan and Mr. Kelvin Chan left the meeting at this point.]

20. The Chairperson said that Members had provided valuable comments on the PODP. Some comments needed to be resolved at this stage, while others would be taken up in further studies. More information would be required on the connectivity of Kai Tak with the adjoining neighbourhoods and within Kai Tak itself. The constraints of redeveloping Kai Tak should be recognized and a practical approach be adopted. It would take a year to undertake surveys and assessments of the environmental problems of the Kai Tak Nullah and KTAC and the effectiveness of proposed mitigation measures.

21. A Member asked whether there was any fall back option should the studies find out that the proposed mitigation measures were not effective. If it was concluded that reclamation was required, a PODP with reclamation should be prepared. It might not be advisable to wait for a year for the findings of the investigations and studies. The Chairperson explained that the studies started in early 2006 and the initial results would be available by the end of 2006.

Interim results produced so far from these studies were positive. Reclamation alone could not solve the environmental problems. Various measures including tackling the polluted discharges at source would be needed. Reclamation within the harbour area must satisfy the overriding public need tests laid down by the Court of Final Appeal.

22. Another Member commented that more information and statistics should be released on the environmental problems at KTAC and the cost effectiveness of adopting the 'no reclamation' approach. KTDC supported reclamation of the KTAC as it would better link up Kwun Tong and Kai Tak.

23. In conclusion, the Chairperson echoed Dr. W.K. Chan's call for active involvement of Members in the Stage 3 public participation. The public, the professional institutions and other stakeholders would be consulted. The finalized PODP would then form the basis for amending the Kai Tak OZPs.

24. The Chairperson thanked the representatives from the Government, study consultants and HEC for attending the meeting. They left the meeting at this point.

**Agenda Item 4**

Submission of the Draft Urban Renewal Authority Stone Nullah Lane/Hing Wan Street/  
King Sing Street Development Scheme Plan No. S/H5/URA2/A  
(TPB Paper No. 7616)

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[Open Meeting (Presentation and Question Sessions only)]

[The meeting was conducted in Cantonese.]

25. The Secretary said that the Development Scheme Plan (DSP) was submitted by the Urban Renewal Authority (URA) in association with the Hong Kong Housing Society (HKHS), the following Members had declared interests on this item:

Mr. Bosco C.K. Fung as the Director of Planning	)	Being a non-executive director of the URA
Mr. Patrick L.C. Lau as the Director of Lands	)	
Miss Linda Law as the Assistant Director (2) of the Home Affairs Department		Being a co-opt member of the Planning, Development and Conservation Committee of the URA
Dr. Greg C.Y. Wong		Having current business dealings with the URA
Mr. Michael K.C. Lai		Being a former non-executive director of the URA

26. Mr. Y.K. Cheng and Mr. B.W. Chan declared interests on this item as they were members of the Audit Committee and Supervisory Board of the HKHS respectively. Professor Bernard Vincent V.F. Lim and Mr. Raymond Y.M. Chan also declared interests on this item as they had current business dealings with the HKHS.

27. Members noted that Mr. Michael K.C. Lai had not yet arrived to join the meeting, while Miss Linda Law had tendered her apologies for being unable to attend the meeting.

[Mr. Bosco C.K. Fung, Dr. Greg C.Y. Wong and Professor Bernard Vincent V.F. Lim left the

meeting, while Messrs. Patrick L.C. Lau, B.W. Chan, Raymond Y.M. Chan and Y.K Cheng temporarily left the meeting, at this point.]

### Presentation and Question Session

28. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Ms. Christine Tse	District Planning Officer/Hong Kong
Ms. Donna Tam	Senior Town Planner/Hong Kong

29. The following representatives of the URA and HKHS were invited to the meeting at this point:

Ms. Y.Y. Pong	URA
Mr. Pang Chuck Hang	)
Mr. Lau King Sing, Daniel	) HKHS
Mr. Law Ho-yan, Francis	)
Miss Cindy Tsang	Townland Consultants Ltd

30. The Chairperson extended a welcome and briefly explained the procedures of the meeting. She then invited Ms. Christine Tse to brief Members on the background of the Stone Nullah Lane/Hing Wan Street/King Sing Street DSP.

31. With the aid of a Powerpoint presentation, Ms. Christine Tse covered the following points as detailed in the Paper:

- (a) background – URA submitted on 6.4.2006 the Stone Nullah Lane/Hing Wan Street/King Sing Street DSP under section 25 (5) of the Urban Renewal Authority Ordinance to the Board for consideration. The site was currently zoned “Open Space” (“O”) on the approved Wan Chai Outline Zoning Plan No. S/H5/23;
- (b) the scheme – the site was proposed to be rezoned to “Other Specified Uses”

(“OU”) annotated “Open Space and Historical Buildings preserved for Cultural, Community and Commercial Uses”. The heritage buildings at Nos. 72-74A Stone Nullah Lane (Grade I) and Nos. 2-8 Hing Wan Street (Grade II) would be preserved and used for cultural, commercial and community uses, while No. 8 King Sing Street would be demolished and developed together with the adjacent vacant land into a public open space (POS) with an area of at least 220m<sup>2</sup>. The POS would be constructed, managed and maintained by the HKHS. The proposed maximum gross floor area (GFA) for the site was 2,305m<sup>2</sup>;

- (c) draft Planning Brief (PB) – the above development parameters were incorporated into the draft PB, which was also submitted to the Board for consideration at the same meeting;
- (d) Social Impact Assessment (SIA) – the SIA contained the household information and the key findings of the survey, which were summarised in paragraph 5 of the Paper;
- (e) local views – the Wan Chai District Council (WCDC) was consulted on 16.5.2006 and its minutes of meeting was at Annex J of the Paper. The English translation of the minutes was tabled at the meeting. A public forum arranged by District Officer (Wan Chai) (DO/WC) and a public workshop co-hosted by St. James Settlement and WCDC were held on 29.4.2006 and 28.5.2006 respectively. Most respondents supported the revitalization cum preservation project. While some residents asked for rehousing, some wanted to continue living in the buildings after preservation. Some had reservation on the proposed themes on ‘Tea’ and ‘Medicine’ and some considered that the commercial viability of the project should be further examined. Some suggested that owners and the community should be involved in the future management of the revitalized area;
- (f) public comments – twelve public comments were received. Five of them found the SIA not satisfactory. They considered that the affected residents and business operators should be given the choice to stay in the buildings after preservation and they also raised concern on the additional traffic

resulting from increased tourist activities in the area. The remaining seven comments were from the tenants within the Scheme Area. They were mainly worried about the rehousing arrangement and its impact on their established social network. After issuance of the Paper, further comments were received on 21.6.2006 from the local residents, which were tabled at the meeting; and

- (g) PlanD's view – PlanD had no objection to the draft DSP in consideration that the proposed preservation of the historical buildings for beneficial adaptive reuse could achieve environmental improvement to the area and preserve the buildings. The provision of POS of no less than 220m<sup>2</sup> would also facilitate early implementation of the subject “O” site. The proposed “OU” zone would allow sufficient planning control over the future use of the site and permission from the Board would be required for any demolition or modification works. The Transport Department (TD)'s concern on the proposed pedestrianization of King Sing Street would be addressed in a comprehensive traffic study to be conducted at the next stage of the study. Further studies would also be undertaken by URA/HKHS to address the needs of the residents/business operators.

32. The Chairperson then invited the representatives of URA and HKHS to elaborate on the DSP.

33. With the aid of a short film and Powerpoint slides, Ms. Y.Y. Pong made the following main points:

- (a) the HKHS and URA signed a Memorandum of Understanding (MOU) on 12.12.2002 to enter into a long-term strategic partnership in the implementation of urban renewal projects;
- (b) the Scheme Area, covering an area of about 930m<sup>2</sup>, comprised 9 blocks. Government owned the majority of the buildings within the Scheme Area except No. 74A Stone Nullah Lane and No. 4 Hing Wan Street;
- (c) the physical condition of buildings within the Scheme Area was generally



poor. A study conducted in November 2004 revealed that all the preservation buildings would require substantial improvement, structural reinforcements and upgrading works to meet current safety and access standards. Architectural features worthy of preservation, including the original floor tiles and wooden staircases, partitions and joists were identified;

- (d) the Blue House at Stone Nullah Lane was listed as a Grade I Historical Building and the Yellow House at Hing Wah Street a Grade II Historical Building by the Antiquities Advisory Board (AAB). Both buildings were of high heritage value and would be preserved as far as possible. In contrast, No. 8 King Sing Street was not graded and was of lesser heritage value and would be demolished and developed together with its adjacent vacant land into a POS for both passive recreation and hosting of community events;
- (e) the heritage buildings were proposed for commercial uses built around the themes of 'tea' and 'medicine' to reflect past uses within the Scheme Area and in the neighbourhood. The ultimate uses would be subject to further consultation with the public;
- (f) those affected by the Development Scheme would be compensated in accordance with the prevailing acquisition and rehousing policies. Tenants affected would receive cash compensation or rehousing at a public housing estate. Households with specific needs would be dealt with on an individual basis by the Social Service Team and other agencies;
- (g) the SIA was meant for assessing the social impact of the project and the social and rehousing needs of the residents affected. Due to privacy and sensitivity of the personal data collected, the SIA was conducted by HKHS in association with URA instead of a third party. The findings of the SIA had been published for public inspection. The SIA provided a comprehensive assessment which covered the residents' concerns. Particular attention would be paid to elderly households;
- (h) the proposed Schedule of Uses and Remarks were submitted for consideration

by the Board. While any demolition or modification works would require permission from the Board, it was proposed that no separate permission for the demolition of No. 8 King Sing Street would be required as the proposed demolition should form part of the DSP; and

- (i) the design concept of the preserved buildings and POS were shown at the meeting.

[Mr. Edmund K.H. Leung and Professor Peter Ronald Hills left the meeting during the question session.]

34. The questions/comments raised by Members were summarised as follows:

Preservation of Buildings

- (a) whether No. 74A Stone Nullah Lane would be demolished;

Proposed Themes

- (b) whether researches had been undertaken to support the proposed themes of 'Tea' and 'Medicine', and whether the proposed themes, in particular 'Tea' would be commercially viable;

Impact on Surrounding Land Uses

- (c) whether the project would have any effect on the nearby vehicle repair workshops;
- (d) as the surrounding areas were used for vehicle repair workshops, whether there would be any adverse impacts if the preserved buildings attracted a large number of visitors;
- (e) the proposed POS would be adjacent to King Sing House, which was in a rather run down condition. Whether there would be any improvement work in the areas surrounding the Scheme Area;

### Compensation and Rehousing Arrangement

- (f) whether it was possible to allow the residents and business operators to continue to stay in the preserved buildings;
- (g) why the tenants living in Government-owned properties would be eligible for the same compensation and rehousing arrangement as those residing in private properties; and

### SIA

- (h) the SIA indicated that over 50% respondents considered that the project would bring about bad impacts. What the bad impacts were.

35. In response, Ms. Y.Y. Pong and Mr. Daniel Lau made the following main points:

### Preservation of Buildings

- (a) No. 74A Stone Nullah Lane would be preserved. No. 8 King Sing Street, which was not a graded building, was the only building that was proposed to be demolished to maximise the size of the open space;
- (b) the site area was less than 1000 m<sup>2</sup>. The project would help improve the general environment. If the preservation and revitalization project could not proceed, the buildings would remain in poor conditions;

### Proposed Themes

- (c) the Chinese University of Hong Kong was commissioned to conduct a historical study of the area. The Blue House at Stone Nullah Lane was the former site of the first hospital of Wan Chai. It was then demolished in the early 20<sup>th</sup> century and replaced by the existing Blue House, with a ground floor unit used as a temple for the God of Medicine for some time. The existing osteopathy clinic in the Blue House had been in operation since the

1950s. Due to the historical value of the buildings in Chinese medicine, one of the proposed themes for the preserved buildings was for 'Medicine';

- (d) the proposed theme for 'Tea' was in consideration of the past concentration of merchants involved in trading of tea from south-east China in the Wan Chai area. Wan Chai also had a concentration of tea houses and Chinese tea restaurants since the early days of 20<sup>th</sup> century. It was thus proposed that 'Tea' be taken as the other proposed theme to reflect the characteristic of the area;
- (e) both themes could cover a wide range of uses and were only a recommendation at this stage. The ultimate uses would be subject to further consultations;

#### Impact on Surrounding Land Uses

- (f) the presence of vehicle repair workshops was noted. The proposed pedestrianization scheme and the traffic impact of the project would be further looked into at the next stage of the study;
- (g) this project was not an isolated project in Wan Chai and improvement to the surrounding areas would be further explored. Meanwhile, King Sing House would serve as a backdrop of the POS. This project, together with other urban renewal projects would help revitalize the Wan Chai area. The areas of historical interest might be linked up to form a heritage trail;

#### Compensation and Rehousing Arrangements

- (h) the poor condition of the buildings with no toilets nor other basic facilities made them unsuitable for residential accommodation. The intention was to convert the preserved buildings for non-residential uses, which would bring more benefit to the community;
- (i) land now owned by Government was resumed for POS by the Lands Department. As there was no implementation programme of POS, the

tenants were allowed to stay in the buildings. With the inclusion of these buildings in the DSP, all affected tenants would be offered the rehousing or compensation package set by URA/HS; and

SIA

- (j) the SIA was conducted in two stages. In general, the affected tenants were mainly concerned about how their current social network, including their neighbourhood support and medical facilities, would be affected. The particular concerns of the different affected tenants would be followed up by the Social Service Team.

36. As Members had no further question to raise, the Chairperson thanked the representatives URA, HKHS and PlanD for attending the meeting. They left the meeting at this point.

37. The deliberation session was reported under confidential cover.

[Mr. Stanley Y. F. Wong left the meeting at this point.]

[Messrs. B.W. Chan, Raymond Y.M. Chan and Y.K Cheng returned to join the meeting at this point.]

**Agenda Item 5**

Further Consideration of Proposed Amendments to the Endorsed Planning Brief for the Urban Renewal Authority Development Scheme (H15) at Lee Tung Street and McGregor Street, Wan Chai  
(TPB Paper No. 7615)

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[Open Meeting]

[The meeting was conducted in Cantonese.]

38. The Secretary said that as the subject matter involved an Urban Renewal Authority (URA) Development Scheme (H15), the following Members had declared interests on this item:

Mr. Bosco C.K. Fung as the Director of Planning	)	Being a non-executive director of the URA
Mr. Patrick L.C. Lau as the Director of Lands	)	
Miss Linda Law as the Assistant Director (2) of the Home Affairs Department		Being a co-opt member of the Planning, Development and Conservation Committee of the URA
Dr. Greg C.Y. Wong		Having current business dealings with the URA
Mr. Michael K.C. Lai		Being a former non-executive director of the URA

39. Members noted that Dr. Greg C.Y. Wong, Mr. Bosco C.K. Fung and Mr. Patrick L.C. Lau had left the meeting. Mr. Michael K.C. Lai had not yet arrived to join the meeting, while Miss Linda Law had tendered her apologies for being unable to attend the meeting.

40. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Ms. Christine Tse	District Planning Officer/Hong Kong
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Ms. Donna Tam

Senior Town Planner/Hong Kong

41. The Chairperson said that the Planning Brief (PB) had previously been submitted to the Board for consideration. The Board requested PlanD to further consult the Wan Chai District Council (WCDC) and URA before finalising the PB.

42. The Secretary reported that three letters were received after issuance of the Paper. The first letter was submitted by a group of residents and business operators affected by the H15 Development Scheme and the second letter by URA. A third letter was submitted by the affected residents and business operators today, mainly commenting on the Paper prepared by PlanD. All the letters were tabled at the meeting.

#### Presentation Session

43. With the aid of Powerpoint slides, Ms. Christine Tse covered the following main aspects in her presentation as detailed in the Paper:

- (a) background – the Board considered on 21.10.2005 the draft revised Planning Brief (PB) for Lee Tung Street and Mcgregor Street Development Scheme, and requested PlanD to consult the Wan Chai District Council (WCDC) and URA, and the public through WCDC;
- (b) public consultation – the views of individual WCDC members and the Urban Renewal Task Force of the WCDC (WCDC Task Force)'s proposed three principles for the amendments to the draft revised PB were summarised in paragraphs 3.1 and 3.3. of the Paper. The views obtained at a public consultation forum organised by WCDC Task Force were summarised in paragraph 3.4 of the Paper. There were six other submissions from the public, which were attached at Annexes IV to IVE of the Paper;
- (c) URA's comment – URA's comment on the draft revised PB and the public comments were summarised in paragraphs 3.6 and 3.7 of the Paper;
- (d) PB – the PB was further revised to take account of the comments received,

including adding a new paragraph to clearly set out that in the process of preparing the Development Scheme, views and participation of local community were encouraged so that the local character, community spirit and social network of the area could be preserved as far as possible; incorporating the requirements that a structural assessment should be conducted to demonstrate the feasibility and implications of retaining the tenement buildings along Lee Tung Street; and requiring that if the car parking spaces for short-term parking could not be provided, the traffic impact assessment (TIA) should demonstrate that the development was sustainable in traffic terms. Some other requirements, for example, on provision of linked open space and pedestrianization of Lee Tung Street had already been incorporated in the PB; and

- (e) further submissions – URA’s letter of 22.6.2006 tabled at the meeting mainly summarised the findings of the Ombudsman’s report of February 2006. The letters from the affected residents and business operators mainly requested the Board to clearly state in the PB that URA should take adequate, concrete and effective measures to preserve the social network and local characteristics of the area. In the letter submitted today, the residents were not satisfied that the number of names contained in their three submissions (a sample at Annex IVf of the Paper) was not mentioned in the Paper. Ms. Tse explained that the omission of names in the TPB Paper was mainly because some of the names were signed and some were printed, making it difficult to check the total number and discount the overlaps. Three submissions containing signatures of groups of people had already been deposited at the Secretariat of the Board for Members’ reference. A list of 746 names was contained in the residents’ letter submitted today.

### Discussion Session

44. Some Members said that they received a letter from an elderly resident affected by the H15 Development Scheme, seeking support from Members. A Member said that it was URA’s policy to adopt the ‘people-centred’ approach but it appeared that there was still strong public sentiment against the H15 Development Scheme. This Member queried whether adequate work had been done to address the residents’ concern, and suggested that preserving



the social network should be clearly stated in the PB as a planning objective. This view was supported by another Member. In response, Ms. Christine Tse said that both the 'people-centred' approach and the requirement to preserve the social network and local characteristics had already been included in the PB.

45. A Member noted that the local residents requested the PB to include a clear requirement for URA to undertake adequate, concrete and effective measures to preserve the social network and local character and asked whether the proposed amendments to Section A of the PB could adequately address their requests. Ms. Christine Tse said that the proposed amendments to the PB had incorporated a statement to that effect. She gathered from the local residents' submission that they considered the effective means of preserving the social network was to allow them to move back to the area after redevelopment, which was outside the scope of the PB.

46. The Chairperson said that the concern of the local residents had been thoroughly discussed by the Board on various occasions. While trying to address the residents' concern and meet their needs, the Board had to exercise its power within the confine of the statutory provisions of the Town Planning Ordinance and other legislation. It should be the responsibility of the URA to deal with the social concerns of the local residents. The PB would guide the work of URA in the preparation of the Master Layout Plan (MLP), which would be submitted to the Board for consideration and approval. The Board would have adequate control on the proposed development.

47. A Member said that it was difficult to please all residents. The Board should focus its attention on whether a Development Scheme could improve the environment of the area. The Board had a role to oversee URA's development proposal and ensure the principles were adhered to. URA should fulfil its duty and work on the details of implementation. Another Member agreed that the Board had its own statutory power and function. The PB had reflected the main spirit of the public views. It was incumbent on the URA to work out and deliver the planning objectives. The Board could further consider the development proposal when the MLP was submitted.

48. A Member was of the view that as the local residents had already agreed to the compensation package, it would not be practical to let them receive double-benefit by allowing them to move back to the area upon redevelopment.

49. Summing up, the Chairperson noted that Members were in support of endorsing the revised draft PB and were of the view that URA should be advised to proceed with the MLP submission in accordance with the PB. In preparing the Development Scheme, URA should adopt a 'people-centred' approach and work towards preserving the social network and local characteristics as far as practical.

50. After further deliberation, the Board agreed to endorse the revised PB attached at Annex VI of the Paper. The Board also agreed that the revised PB should be forwarded to the URA to facilitate its preparation of the MLP for submission to the Board for consideration and approval in due course.

51. The meeting adjourned for lunch at 1:30 p.m.

52. The meeting was resumed at 2:45 p.m.
53. The following Members and the Secretary were present in the afternoon session:

Mrs. Rita Lau  
Dr. Peter K.K. Wong  
Mr. Michael K.C. Lai  
Professor Nora F.Y. Tam  
Mr. Nelson W.Y. Chan  
Mr. David W.M. Chan  
Mr. Tony C.N. Kan  
Mr. Edmund K.H. Leung  
Mr. Alfred Donald Yap  
Mr. B.W. Chan  
Mr. Walter K.L. Chan  
Mr. Raymond Y.M. Chan  
Mr. Y.K. Cheng  
Mr. Felix W. Fong  
Ms. Anna S.Y. Kwong  
Professor Paul K.S. Lam  
Dr. James C.W. Lau  
Mr. K.Y. Leung  
Mr. Patrick L.C. Lau

54. As the representatives of the Planning Department for Agenda Item 6 had yet to arrive, the Chairperson suggested and Members agreed to consider Agenda Item 7 first.

**Agenda Item 7**

[Open Meeting (Presentation Session only)]

Review of Application No. A/SK-HH/36

Temporary Showroom (Ship) and Office, Open Storage of Ship,

Steel Frame for Sign Board, Store Room

for a Period of 3 Years in “Green Belt” Zone,

Ground Floor of House 38 and Adjoining Government Land,

Tai Chung Hau Village, Sai Kung

(TPB Paper No. 7604)

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[The meeting was conducted in Cantonese.]

55. The Secretary reported that the subject review application was originally scheduled for consideration by the Board on 21.4.2006. On 23.3.2006, the applicant requested for deferment of the review hearing. On 3.4.2006, the Secretariat informed the applicant that the hearing would be postponed to 12.5.2006. On 17.4.2006, the applicant requested to defer the hearing to July 2006 as the charge of their previous consultant was too high and they needed time to search for another consultant. In response, the Secretariat advised the applicant to submit the supplementary information before 3.6.2006, i.e. within two months from the Secretariat’s letter of 3.4.2006. On 1.6.2006, the applicant wrote to the Board requesting further deferment of the hearing for three months because they were still checking the charges of various consultants.

56. The Secretary went on to say that according to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), reasonable grounds must be provided to support a request for deferment. The Board would also take into account whether the right or interest of other concerned parties would be affected. Furthermore, no further deferment should be granted except under very special circumstances. Since the applicant had already been given two additional months to prepare supplementary information, there were no special circumstances to justify further deferment of the review hearing. As the application was the subject of two adverse public comments from local residents, further deferment

of consideration of the review application was considered undesirable. If the Board agreed not to accede to the applicant's request, the review application would be submitted to the Board for consideration on 14.7.2006 as scheduled.

57. After deliberation, the Board decided that the applicant's request for further deferment of the review hearing of the application for three months should not be acceded to. The Secretariat would notify the applicant of the Board's decision and invite the applicant to attend the rescheduled meeting.

**Agenda Item 6**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/ST/631

Proposed Residential Development in "Green Belt" Zone,

Lots No. 379 and 380RP in DD 186, Tung Lo Wan Hill Road, Sha Tin

(TPB Paper No. 7605)

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

58. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Mr. W.K. Hui            District Planning Officer/Shan Tin, Tai Po and North

Mr. Philip Chum       Senior Town Planner/Shan Tin

59. The following applicant's representatives were invited to the meeting at this point:

Mr. Kenneth Chow

Ms. Tsang Ng Heh-kwan

Ms. Anny Chak

Mr. Kenneth Huen  
Mr. Mike Fan  
Ms. Louisa Ho  
Mr. Gregory Lam  
Professor James Lui  
Mr. Danny Lui  
Mr. Kenneth Ng  
Mr. Calvin Chiu  
Mr. Kelvin Leung  
Ms. Rebecca Chan  
Mr. Banny Ho  
Mr. Denny Tam  
Ms. Polly Cheng

60. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. W.K. Hui to brief Members on the background to the application.

61. With the aid of some plans shown at the meeting, Mr. W.K. Hui covered the following aspects as detailed in the Paper:

- (a) the reasons for the Rural and New Town Planning Committee (RNTPC) to reject the application on 17.2.2006;
- (b) the applicant had submitted further written representation in support of the review application which was summarized in paragraph 3 of the Paper. In response to the applicant's request, a Supplementary Paper enclosing two documents prepared by the then Territory Development Department (TDD) in early 1980s had been circulated to Members;
- (c) departmental comments – the Transport Department (TD), the Agriculture, Fisheries and Conservation Department and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of the PlanD had reservation or adverse comments on the application from

traffic, ecological, visual and landscape viewpoints;

- (d) 64 public comments were received and about 50 of them objected to the application mainly on traffic and landscape grounds; and
- (e) PlanD's view – the application was not supported for the reasons detailed in paragraph 6.1 of the Paper.

62. The Chairperson then invited the applicant's representatives to elaborate on the application.

63. Mr. Kenneth Chow made the following main points:

- (a) the rejection of the application by the RNTPC was entirely due to the "Green Belt" ("GB") zoning of the application site. There was a special history behind the zoning of the site, which had been buried over 23 years and had not been reflected in the documents prepared by the Government. Without knowing such background, it would be difficult for the Board to assess the application fairly and objectively;
- (b) they were representing an old lady who on behalf of her family purchased the application site in 1981, which was then zoned "Residential (Group B)" ("R(B)") on the Sha Tin Outline Zoning Plan (OZP). The site was subsequently rezoned to "GB" but some adjacent areas were rezoned from "GB" to "R(B)" based on two documents prepared by the Government, i.e. "Tao Feng Shan, Sha Tin Preliminary Report on the Future Development Potential of the Area" (the Assessment) and "Revised Land Use Proposal for Tao Feng Shan, Sha Tin" (the Revised Land Use Proposal). The Assessment was prepared in response to three development proposals submitted by other developers but had not taken into account the development proposal submitted by the applicant at about the same time. For the past 23 years, the concerned Government departments had not disclosed the documents to the applicant, and had refused to submit

the documents to the Board until repeated requests made by the applicant. The correspondence between the applicant, the concerned Government departments and the Secretariat was attached at Annexes E to W of the Paper and Annexes A and B of the Supplementary Paper. The applicant was informed of the provision of the two documents to the Board via a Supplementary Paper just two days before the meeting. It was hoped that the Board would carefully study the documents;

- (c) based on the two documents, the application site was proposed to be rezoned to “Open Space”, instead of “GB”, and there should be land exchange arrangement to compensate for the loss of concerned landowners. While other lots in the area were allowed to be developed for residential use, no land exchange was offered to the applicant. This was very unfair and irresponsible. Moreover, the applicant had requested for a full disclosure of all relevant documents, including a report prepared by the Ove Arup & Partners HK Ltd. (OAP), based on which the Assessment was prepared. However, the Government had made no responses to the applicant’s questions nor provided OAP’s report. PlanD’s response in paragraph 6.3 of the Paper was the only response and it was insufficient;
- (d) the applicant’s consultants had provided sufficient information to support the application. The Government’s comment that there was insufficient information was too general and unfounded. Without highlighting the type of information lacking, the Government was dodging the facts provided by the applicant; and
- (e) in the light of the special circumstances of the case, approval of the application would not set an undesirable precedent for similar applications in the area.

64. Mr. Kenneth Ng, Mr. Calvin Chiu, Mr. Kelvin Leung and Professor James Lui responded to the comments of concerned Government departments on various



technical aspects and made the following main points:

Landscape aspect

- (a) the applicant's Landscape and Visual Impact Assessment had taken into account the proposed slope remedial works on the site agreed by the Buildings Departments (BD) and the guidelines laid down in the Technical Memorandum of the Environmental Impact Assessment Ordinance. Five mitigation measures were proposed to address the adverse visual impacts during the construction and occupation stages. With such measures, the environmental quality of the site would be improved after completion of the proposed development;
- (b) according to the applicant's tree survey report, the number of trees on the site had increased between 2002 and 2005, and no tree was felled as a result of the applicant's slope investigation works. The landscape and environmental assessment for the access road had already been provided at the s.16 stage. The submitted information was sufficient to allow assessment by the concerned Government departments. On 24.5.2006, the PlanD indicated to the applicant that they had no further queries. CTP/UD&L's adverse comments on the application in the Paper were surprising to them;

Environmental aspect

- (c) the applicant's ecological appraisal had taken into account the site constraints and the new nature conservation policy of the Government, which aimed to regulate, protect and manage natural resources that were important for the conservation of biodiversity of Hong Kong in a sustainable manner, taking into account social and economic considerations, for the enjoyment of the present and future generations. Concerned Government departments had no in-principle objection to the appraisal. According to the Ecological Impact Assessment submitted at the s.16 stage, the site was of low

ecological value in terms of biodiversity of species. The mixed woodland and young woodland at the site and its surrounding areas were of low to moderate ecological value, and could not provide habitat for wild animals due to slope stability problem. There was also low ecological linkage to areas of high ecological value. The ecological value of the site would further decrease after the slope remedial works;

- (d) the proposed development would not affect the woodland to the west of the site, which was of moderate ecological value. Various mitigation measures, including tree compensatory planting and landscape proposals, would be implemented to address the impacts of the slope remedial works and the proposed development;
- (e) the applicant's conservation proposal had taken into account several considerations. Firstly, the four Dangerous Hillside Orders (DHOs) issued by the BD revealed that the vegetation on the slopes failed to protect the area from soil erosion. If the applicant did not implement the approved slope remedial works, there would be a risk of landslide during typhoon season, resulting in threat to public safety. Secondly, the slope remedial works and mitigation measures would help restore the ecological value of the site, which would otherwise be degraded. Thirdly, due to slope instability, risk of landslide and unattractive condition, the site could not be used by the public. With the proposed development, the natural environment of the site and its surrounding areas would be properly protected for enjoyment by the general public. Fourthly, the proposed development would provide an economic incentive for the developer to carry out large-scale slope remedial works and conserve the environment on the site;

Traffic aspect

- (f) the applicant had submitted a detailed Traffic Impact Assessment (TIA) to assess the traffic impacts of the proposed development on the

roads and junctions in the surrounding areas based on the projection year of 2011. All proposed developments in the surrounding areas to be completed before 2011, i.e. Phases 2 to 4 of Pristine Villa (PV), Kowloon Canton Railway Corporation's developments at the Tai Wai Station and Tai Wai Depot as well as the development in the Heung Fan Liu area, had been taken into account. The proposed development with 29 units would only generate 12 vehicular trips per hour during the a.m. and p.m. peaks. Such additional traffic would not result in traffic congestion in the Tai Wai area. The TD had not queried such figures and the calculations;

- (g) in response to TD's request, the applicant had proposed three possible access arrangements for the application site, i.e. in and out via Tung Lo Wan Hill Road (TLWHR), in via To Fung Shan Road (TFSR) and out via TLWHR, as well as in via TLWHR and out via TFSR. There was no unplanned access to the site as claimed by the TD. Any concern on the detailed access arrangements could be addressed through the imposition of a relevant approval condition. The volume to capacity (V/C) ratios at TLWHR and TFSR would be about 0.7 and 0.46 respectively in 2011. Hence, the two roads had spare capacity to cater for the additional traffic generated by the proposed development;

#### Geotechnical aspect

- (h) the applicant had submitted a Natural Terrain Hazard Report (NTHR) prepared in accordance with the relevant guidelines of the Civil Engineering and Development Department. In response to the DHOs, the applicant had proposed slope remedial works to stabilize the dangerous slopes on the site. The works were approved by the BD in March 2006 though consent for commencement of works had yet to be obtained. Based on the existing condition, there might be slope failure in the area. The proposed development would help stabilize the slopes and offer a planning gain to the public in terms of

public safety;

- (i) the concerned Government departments did not have different view on the NTHR. The PlanD had recommended the imposition of an approval condition on the concerned slope works if the application was approved; and
- (j) according to OAP's preliminary geotechnical assessment for the TFS area conducted in September 1980, low-rise residential development was possible for the area if there was a detailed assessment to ascertain its feasibility. The applicant had conducted a detailed NTHR to such effect and the findings of the NTHR were consistent with the conclusion of OAP's previous assessment.

65. Mr. Kenneth Chow continued to say that the technical assessments conducted by the applicant's consultants were far more comprehensive than the Government's previous Assessment conducted to support the rezoning of the application site to "GB" in 1983. It was unreasonable to consider that the applicant had not provided sufficient information to demonstrate the acceptability of the proposed development from landscape, environmental, traffic and geotechnical viewpoints. Mr. Kenneth Chow then read out in full a letter from the old lady and made the following main points:

- (a) based on the belief in justice and fairness, she had been steadfast in pursuing the proposed development and had made 4 applications to the Board in the past 23 years. It was hoped that the Board would understand her grievance and suffering;
- (b) she purchased the site for her family on 15.4.1981 when the site was zoned "R(B)" on the then OZP, which allowed for medium density residential development. She had employed professionals to prepare the development scheme and submitted a lease modification application to the District Officer (Sha Tin) on 14.8.1981, but the application was rejected for unknown reasons;

- (c) she did not realize that the Assessment was conducted at that time until the PlanD recently disclosed the two relevant documents. The Assessment was conducted between 1980 and 1983, during which she submitted the lease modification application. However, her site and her development proposal were not mentioned in the Assessment. The comprehensiveness of the Assessment was in doubt;
- (d) based on the Assessment, the application site was proposed to be rezoned from “R(B)” to “GB” and the PV site from “GB” to “R(B)”. She could not accept the decision which she felt was in favour of other developers and which deprived her of her right. The rezoning also contradicted the principles adopted in the Assessment. Firstly, the PV site had no access road at that time but the application site could be accessed via TLWHR. Secondly, both sites were located within valleys but the application site had two formed platforms. Thirdly, the PV site was used for agricultural purpose at that time and the concerned developer had not yet purchased the site, while she had purchased the application site with 10 existing houses on it. Fourthly, the number of trees felled at the PV site exceeded the number to be felled for the proposed development by several times. All in all, the application site was more suitable for residential development than the PV site. The rezoning decision had ignored these basic facts;
- (e) PlanD’s view that there had been no change in planning circumstances for the application site in the past 23 years were dogmatic and hasty. Over the years, the PV site and its adjoining lots were developed for residential uses and Phases 3 and 4 of PV were under construction. Roads, sewerage system, and water and electricity supplies had been developed in the area;
- (f) except for the rezoning, other recommendations of the Assessment, e.g. to compensate for the loss of the affected landowners through

land exchange, had not been followed up by the Government. It was extremely unfair to deprive her legal right without any compensation. The Government claimed that the rezoning was based on the Assessment but they had acted against the recommendations of the Assessment;

- (g) if the application site had not been zoned “R(B)” at that time, she would not have purchased the site. If the Government had fully implemented the recommendations of the Assessment, she would have got a certain amount of compensation. If the Government had disclosed the concerned documents to her at that time, she would have raised objection to the zoning amendment to OZP gazetted in 1983; and
- (h) she was approaching 80. She hoped that the Board would carefully consider the application and do justice for her.

66. Members sought clarifications from the applicant’s representatives on the following:

- (a) whether the 12 vehicular trips per hour for TLWHR and TFSR generated by the proposed development was an average or maximum figures; the proposed number of car parking spaces to be provided in total and for each unit of the proposed development; and the travelling time from the application site to the junctions with the main roads in Tai Wai;
- (b) whether the applicant had any proposal to address TD’s concern on the possible traffic congestion on the nearby road networks in Tai Wai, particularly at the junction of Mei Tin Road/Heung Fan Liu Street which would approach saturation in 2006/07;
- (c) whether it was geotechnically feasible to widen the section of TFSR between the application site and the Pak Lok Path roundabout from

one lane to two lanes, and how would TLWHR and TFSR be connected by the proposed development;

- (d) whether the rezoning of the site to “GB” in 1983 was mainly based on the geotechnical assessment prepared by OAP in 1980;

[Mr. Felix W. Fong left the meeting at this point.]

- (e) the applicant’s reasons for not raising objection to the “GB” zoning of the site when the concerned OZP was gazetted in 1983;
- (f) the reasons for the Government to reject the applicant’s lease modification application submitted in 1981; and
- (g) the amount of trees and woodland on the site that would be affected by the proposed development, and the ecological impacts of the proposed development on the surrounding woodland.

67. The Chairperson and Members raised the following questions for PlanD’s representatives to respond:

- (a) whether the rezoning of the application site in 1983 had gone through a due process; whether the applicant was aware of the zoning amendments to OZP at that time; and what was the Board’s main concern in considering objection previously raised by another party against the “GB” zoning;
- (b) since the rezoning in 1983, whether any development had been approved in the area, and whether there had been any development proposal for the Lutheran Theological Seminary to the north of the application site;
- (c) whether the Government had any plan to widen TLWHR and TFSR; and

- (d) whether the applicant had the right under the lease to redevelop Lot 379 for residential use with a total gross floor area of 158.5m<sup>2</sup>.

68. In response to Members' questions, Mr. Kenneth Ng, Professor James Lui, Mr. Kelvin Leung, Mr. Calvin Chiu and Mr. Mike Fan made the following main points:

- (a) a total of 12 vehicular trips per hour would be generated by the proposed development during the a.m. and p.m. peaks, with 9 and 5 trips out, and 3 and 7 trips in respectively. The numbers would be lower during other hours. In the worst scenario, the V/C ratio along TLWHR was 0.7. The junction of TLWHR and the main roads in Tai Wai would not be saturated even with the proposed development. The travelling time from the application site to the junctions with the main roads should not exceed the normal cycle time of a traffic sign, i.e. 60 seconds. Based on the parking standard of 1.5 cars per household, a total of 44 car parking spaces would be provided in the proposed development;
- (b) in response to TD's comments, the applicant had submitted a revised TIA at the s.17 review stage to cover six junctions in the Tai Wai area and the planned developments in adjacent areas. It was estimated that the Mei Tin Road/Heung Fan Liu Street junction would have a reserve capacity of 30% and 69% in the a.m. and p.m. peaks respectively. The TD had not queried such figures;
- (c) the section of TFSR between Tai Wai and the Pak Lok Path roundabout was a one-way road, while the section from the Pak Lok Path roundabout to the application site allowed for two-way traffic. Instead of road widening, the applicant had proposed to convert the latter section of TFSR as one-way road to improve the traffic safety. The detailed traffic arrangements could be addressed through the imposition of an approval condition;



- (d) the track leading to the application site from TWLHR had a width of about 4m and a steep gradient. It served as an access to the reservoir south of the application site by the Water Supplies Department and was used by vehicles of the adjacent works areas. The proposed development would have a circular ramp to link up TFSR and TLWHR. The applicant also proposed to widen TLWHR up to acceptable standard to cater for additional traffic generated by the proposed development;
  
- (e) based on preliminary geotechnical feasibility study, OAP prepared a report on the alternative access to the TFS area with cost estimate in 1980. Despite the identified constraint for development, the report indicated that the potential for low-rise residential development in the area could be reviewed if supported by a detailed geotechnical assessment. The applicant had conducted a detailed NTHR covering the slopes in the surrounding areas to demonstrate that the proposed development was acceptable from geotechnical viewpoint. With the advancement of techniques in the past two decades, it was geotechnically feasible to stabilize the slopes in the area through various measures, e.g. elevated structures and soil nails, to cater for widening of TFSR;
  
- (f) no building structure had been proposed in the western part of the application site. There were a total of 295 trees on the site. A total of 132 trees, i.e. 44.7%, on the site would be preserved. Most of the trees to be felled were due to the slope remedial works and only 26 trees would be felled because of the proposed development. Excluding about 5,300m<sup>2</sup> of woodland affected by the slope remedial works, the woodland to be cleared by the proposed development was about 3,100m<sup>2</sup>. Mitigation measures had been proposed to address the ecological impacts of the proposed development and there would not be substantial impacts on the ecological linkage to other areas. With proper management of the trees and landscaping on the site, the environment quality of the site would be better when compared with

the existing abandoned woodland;

- (g) an objection was lodged against the “GB” zoning of the application site in 1983 but was subsequently withdrawn due to some misunderstanding. The Government had not disclosed the concerned documents to the applicant. Without knowing the relevant documents, it would have been futile even if the applicant had not withdrawn the objection to the zoning amendment; and
- (h) on 12.8.1981, the applicant submitted a lease modification application to the Government for a residential development with a total plot ratio of 0.4 as permitted under the then Outline Development Plan (ODP). In December 1981, the District Officer (Sha Tin) advised the applicant that the application was rejected due to slope, landscape and accessibility problems. It was however noted that the sites of other developers covered in the Assessment were not even served by TLWHR.

69. In response to Members’ questions, Mr. W.K. Hui and Mr. Philip Chum made the following main points:

- (a) in response to the fast changing circumstances in Sha Tin New Town and the development proposals submitted by some developers, an inter-departmental working group led by the then TDD was formed in 1980 to assess the development potential for the TFS area. The Assessment prepared in July 1981 concluded that the construction of a new road to serve the area would be costly and would have adverse environmental and landscape impacts on the surrounding areas. Future residential development should therefore be confined to the lower part of the area, i.e. the PV site, while the area to its north, including the application site, should be rezoned to “GB”. Based on the recommendations, a Revised Land Use Proposal was prepared in 1982;

- (b) the revised OZP incorporating the zoning amendments was agreed by the Board in January 1983 and exhibited for public inspection in May 1983. During the exhibition period, one objection from another party against the “GB” zoning of another site within the same “GB” zone was received. After consideration of the objection, the Board decided not to uphold the objection. The draft OZP and the objection were submitted to the then Governor in Council (G in C) for approval. The OZP was approved by the G in C in 1988;
- (c) the Government had no plan to widen TLWHR and TFSR. TLWHR was a two-way road with a width of 3 to 4m and a steep gradient of 1:6. It was connected to the service reservoir to the south of the application site via a narrow track. The applicant’s proposal of widening TLWHR would involve substantial clearance of vegetation along the road. The section of TFSR between the Pak Lok Path roundabout and Lutheran Theological Seminary was a two-way road with a width of 3 to 4m and a slope gradient of 1:6 to 1:8. Due to the winding alignment and steep gradient, there was limited room to widen this section of TFSR. The TD had a concern on the traffic condition on this road;
- (d) the PV was the only residential development completed in the area since 1983. The Lutheran Theological Seminary was expanded in the 1980s, which included the widening of a small section of TFSR up to the standard for emergency vehicular access, i.e. 6.7m; and
- (e) the developable floor area permitted under the lease of Lot No. 379 was about 158.5m<sup>2</sup>. If the applicant applied to redevelop the application site to such level, the Board might give favourable consideration to such proposal upon application in accordance with the established practice.

70. As the applicant’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the

hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representatives and PlanD's representatives for attending the meeting. They all left the meeting at this point.

### Deliberation Session

71. The Chairperson believed that the Board had given the applicant and its representatives full opportunity to state their case. Despite the history of the previous rezoning of the application site, the Board should consider the application on the basis of the current zoning of the site, i.e. "GB". As there was a general presumption against development within the "GB" zone, the applicant had to provide strong justifications with sufficient information to back up the proposed residential development and address the concerns raised by relevant Government departments. Members concurred.

72. While noting the efforts made by the applicant in the past some 20 years, a Member did not support the application having regard to the planning intention of the "GB" zone. The Member considered that the rezoning of the application site to "GB" in 1983 was intended to preserve the beautiful woodland and natural environment in the TFS area. The PV site was rezoned to "R(B)" as it was closer to the developed area of Tai Wai. The proposed development might aggravate the existing traffic congestion at Mei Tin Road and Heung Fan Liu Street. It was noted that the Sha Tin District Council had previously objected to a similar low-rise residential development in the same "GB" zone.

73. A Member said that the applicant's grievance on the down-zoning of its site could be understood, but there was no strong justification to support the application. Another Member added that the OZP to rezone, among other amendments, the application site and its surrounding area to "GB" was exhibited for public inspection in accordance with the provisions of the Town Planning Ordinance in 1983. The applicant was aware of the concerned zoning amendment and did have a chance to raise objection to the amendment but it appeared that the objection against the "GB" zoning of the application site was withdrawn for some unknown reasons.

74. The Chairperson said that if the development intensity of the proposed development was reduced to the level as permitted under the lease of Lot No. 379, i.e. 158.5m<sup>2</sup>, the Board might give favourable consideration to such proposal upon application in accordance with the established practice, and there would be no loss of development right permitted under the lease. Member shared the same view.

75. After deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in the “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the application site was largely covered with dense and natural vegetation. The proposed development would lead to an extensive clearance of the vegetation and substantial tree felling. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse impacts on nature conservation and landscape;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse visual impacts on the surrounding areas;
- (d) there was insufficient information to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding roads and junctions; and
- (e) approval of the subject application would set an undesirable precedent

for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would encourage proliferation of building development and result in a general degradation of the environment in the area.

[Mr. B.W. Chan, Mr. Walter K.L. Chan, Professor Paul K.S. Lam, Dr. James C.W. Lau and Ms. Anna S.Y. Kwong left the meeting at this point.]

[The meeting was adjourned for a break of 5 minutes.]

### **Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TM-SKW/48  
Temporary Barbecue Area with Structures for a Period of 3 Years  
in “Village Type Development” Zone  
Lots No. 263S.B(Part), 268(Part) in D.D. 385, Tai Lam Chung,  
Tuen Mun, New Territories  
(TPB Paper No. 7606)

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[The hearing was conducted in Cantonese.]

76. The Chairperson said that since the rejection of the application by the Rural and New Town Planning Committee on 13.1.2006, the Board approved on review on 10.3.2006 a similar application for temporary barbecue area with structures for a period of 3 years (No. A/TM-SKW/47) located to the immediate northeast of the application site within the same “Village Type Development” zone. The Planning Department had no objection to the application for reasons stated in paragraph 6.1 of the Paper.

77. Members agreed that the application could be approved subject to the conditions set out in paragraph 6.3 of the Paper.

Presentation and Question Session

78. Mr. Wilson So, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department, and Mr. Wu Chi-man, the applicant's representative, were invited to the meeting at this point.

79. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson informed the applicant's representative that the Board would agree to grant planning permission to the application subject to the approval conditions set out in paragraph 6.3 of the Paper. She then asked if the applicant's representative had any comment on the approval conditions.

80. In response to Chairperson's remarks, Mr. Wu Chi-man said that the applicant was willing to comply with the approval conditions as stated in the Paper. In fact, the applicant had already complied with some of the approval conditions, e.g. obtaining a licence for wastewater discharge from the Environmental Protection Department and implementation of landscaping on the application site. The Chairperson advised the DPO/TMYL to follow up with the applicant on the compliance with approval conditions.

81. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairperson informed the applicant's representative that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representative and the DPO/TMYL for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

82. After deliberation, the Board decided to approve the application on review on a temporary basis for a period of three years up to 23.6.2009 subject to the following conditions:

- (a) no operation between 11:00 p.m. and 7:00 a.m. should be carried out

at the application site during the planning approval period;

- (b) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.9.2006;
- (c) in relation to (b) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.12.2006;
- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.9.2006;
- (e) in relation to (d) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.12.2006;
- (f) if the above condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

83. The Board also agreed to advise the applicant of the following:



- (a) a shorter compliance period was stipulated so as to monitor the situation and fulfilment of approval conditions;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Tuen Mun's comments in paragraph 4.1.1 of the Paper to apply for short term waiver and that the existing barbecue activities had extended beyond the site into the adjoining private lots No. 269S.B and 270 in D.D. 385 and a long strip of Government land;
- (d) to note the Chief Engineer/Mainland North of the Drainage Services Department's comments in paragraph 4.1.2 of the Paper that the site was located in the vicinity of an area at high risk of potential flooding during heavy rainfall;
- (e) to note the Director of Food and Environmental Hygiene's comments in paragraph 9.1.6 in Annex A of the Paper on the licensing requirements of various licences under the Food Business Regulations;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments in paragraph 9.1.4 in Annex A of the Paper on the removal of unauthorized building works/structures with the site. Any new building works to be erected on the site required formal submission under the Buildings Ordinance. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (g) to note the Chief Engineer/Development (2), Water Supplies

Department's comments in paragraph 4.1.4 of the Paper that the site was located within the dam break flood plain of Waterfall Dam of Tai Lam Chung Reservoir. The applicant was advised to carry out an assessment of the impacts of dam break on the proposed development and make his/her own provisions; and

- (h) to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

### **Agenda Item 9**

Review of Application No. A/YL-MP/140

Proposed Low-Rise, Low-Density Residential Development  
in "Village Type Development" Zone, Lot 4612 in D.D. 104,  
Chuk Yuen Tsuen, Mai Po, San Tin, Yuen Long  
(TPB Paper No. 7607)

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[The hearing was conducted in Cantonese and English.]

84. Mr. Wilson So, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), and the following applicant's representatives were invited to the meeting at this point:

Mr. Joe Wong  
Mr. Thomas Luk  
Mr. Li Wai-kit  
Mr. Wong Kwok Cheung  
Mr. Wong Chung Yee

85. The Chairperson extended a welcome and explained briefly the procedures of the review hearing. The Chairperson then invited Mr. Wilson So to brief Members on the background to the application.

86. Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for a proposed low-rise, low-density residential development with a total plot ratio of 0.4 at the application site which was zoned “Village Type Development” (“V”) and had an area of about 2,462m<sup>2</sup>. The proposed development comprised four 3-storey houses with 12 units and 12 car parking spaces;
- (b) the site was the subject of a previous application (No. A/YL-MP/47) for similar residential development with the same development parameters which was approved by the Rural and New Town Planning Committee (RNTPC) in 1999, but the planning permission lapsed in 2004;
- (c) on 13.1.2006, the RNTPC rejected the application for reasons stated in paragraph 1.3 of the Paper;
- (d) in support of the review, the applicant had submitted further written representation which was at Annex F of the Paper. The applicant’s justifications were summarized in paragraph 3 of the Paper;
- (e) the District Lands Officer/Yuen Long (DLO/YL) advised that the site was governed by New Grant No. 1012 for private residential use and restricted to a maximum built over area of 1,800ft<sup>2</sup> (i.e. 167.2m<sup>2</sup>) and a maximum building height of 25ft (i.e. 7.6m). The site fell within the village environs of Ha Chuk Yuen village. According to the current land policy, lease modification or land exchange for non-Small House development would not be entertained within the “V” zone for recognized villages. The total Small House (SH) demand of the recognized villages within the same “V” zone, i.e. Ha Chuk Yuen, Sheung San Wai Tsuen and Ha San Wai, was about 410.

Cross-village SH applications from all pre-1898 villagers of San Tin Heung were also allowed. The DLO/YL therefore did not support the application from land administration viewpoint;

- (f) the Transport Department (TD), Drainage Services Department and Environmental Protection Department had raised concerns on the application in respect of access road and car parking provision, drainage proposal and possible industrial/residential interface problem respectively;
- (g) two villagers of Chuk Yuen Tsuen raised objection to the application on ground of adverse impacts on future SH development, and adverse traffic and drainage impacts; and
- (h) PlanD maintained its view of not supporting the application for reasons stated in paragraph 5.1 of the Paper. The proposed residential development was not in line with the planning intention of the “V” zone, which had been clearly stated in the Notes of the OZP since the gazettal of the draft Mai Po and Fairview Park OZP No. S/YL-MP/5 on 26.3.2004. It was the practice of the Board to take into account building entitlement under the lease in considering planning applications for house developments. The lease conditions of the site had restricted the total gross floor area (GFA) of the site to 501.6m<sup>2</sup>. The proposed development with a total GFA of 984.8m<sup>2</sup> was therefore considered excessive.

87. The Chairperson then invited the applicant’s representatives to elaborate on the application.

88. With the aid of a Powerpoint presentation, Mr. Thomas Luk and Mr. Li Wai-kit made the following main points:

- (a) the proposed development comprised four 3-storey houses at a total GFA of 984.8m<sup>2</sup> and a plot ratio of 0.4, and was the same as the

scheme previously approved by the RNTPC;

- (b) the planning intention of the “V” zone under the current OZP was similar to that under OZP No. S/YL-MP/1 which was in force when the applicant’s previous application was considered by the RNTPC. The planning intentions in both versions of OZP mentioned that the zone was to designate areas of land considered suitable for village expansion. Given the similar planning intention, there was no reason to approve the previous application but reject the current application. Since the application site had obtained planning permission for non-SH development, it should be excluded from the areas to be reserved to meet the SH demand;
- (c) the subject “V” zone had an area of about 208,000m<sup>2</sup>. Excluding 40% of the land which had been taken up, there would be about 125,000m<sup>2</sup> of land available within the zone, which could be used to build 893 SHs assuming that a SH would require a site area of about 140m<sup>2</sup>. The land available in the zone was sufficient to meet the SH demand of the concerned recognized villagers estimated by the DLO/YL;
- (d) the lease of the site was made in 1963 and did not reflect the housing demand in the 21<sup>st</sup> century. It was not an unusual practice to apply for a higher development intensity through lease modification. It was against the principle of town planning to follow the restrictions in the old lease without regard to the contemporary housing demand and the population growth in the concerned area. If such stringent approach was adopted, no lease modification for higher development intensity would be allowed;
- (e) the plot ratio of the proposed development was not excessive if compared with the existing residential developments in the New Territories, and was much lower than that of a SH. It was contradictory and unfair that a SH development with a development

intensity far exceeding the building entitlement under the lease was always permitted in the “V” zone;

- (f) the application was exceptional in that the same development scheme at the application site was approved by the RNTPC in 1999. The approval of the application would not set an undesirable precedent; and
- (g) except for the DLO/YL, most Government departments did not raise objection to the application and their concerns were not insurmountable. After obtaining the planning approval, the applicant would be responsible for the design and widening of the proposed access road and would seek approvals from relevant Government departments. The car parking layout and provision of the proposed development were similar to those of the previous approved scheme. A detailed layout would be submitted to the TD for consideration;
- (h) the Leisure and Cultural Services Department had no comment on the clearance of a large landscaped area between the site and Chuk Yuen Road to facilitate the construction of the proposed access road; and
- (i) there would be no night-time operation in the neighbouring industrial developments. After obtaining planning approval, an Environmental Impact Assessment Study would be conducted to identify appropriate environmental mitigation measures such as adjusting orientation of houses, well-gasketted openable windows and air-conditioning, landscape, with a view to obtaining an environmental permit. If the application site was developed as SHs, the environmental problem still existed and might even be magnified. According to the applicant’s ecological impact assessment, the proposed development would not have adverse ecological impacts on the surrounding areas.

89. Mr. Joe Wong made the following main points:

- (a) he was an indigenous villager rather than an outside developer. He intended to build some low-density houses for the local villagers. The proposed development was better than SHs in terms of design and appearance;
- (b) while the Paper stated that the SH demand of the concerned villages was 410, according to his checking, there were only about 300 residents in Sheung San Wai Tsuen and Ha San Wai. Excluding those who were female and had already obtained a SH licence, the number of persons eligible for SH was much lower than DLO/YL's figure. In addition, cross-village SH applications would not be supported by the local villagers; and
- (c) the RNTPC should have given careful consideration before approving the applicant's previous application. He wanted the PlanD to explain the change in planning circumstances since the last approval which warranted the rejection of the current application.

90. In response to the questions from the applicant's representatives and a Member, Mr. Wilson So made the following points:

- (a) when the applicant's previous application was considered by the RNTPC in 1999, the planning intention of the "V" zone was only set out in the explanatory statement attached to OZP No. S/YL-MP/1, which was then in force. The planning intention only stated that the zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. In March 2004, a revised planning intention clearly stating that land within the "V" zone was primarily intended for development of SHs by indigenous villagers was added to the Notes of the OZP; and
- (b) the proposed development was not a SH development, although their built-forms were similar. For applications for non-SH developments within the "V" zone within recognized villages, the Board would

normally approve the application if the proposed development intensity did not exceed the building entitlement under the lease. For the subject application, the plot ratio of the proposed development had exceeded the level permitted under the lease by about 90%.

91. The Chairperson informed Mr. Joe Wong that if he was an indigenous villager of the concerned village, he could apply to the DLO/YL for a SH on the application site without the need for planning permission from the Board.

92. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed the applicant's representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairperson thanked the applicant's representatives and the DPO/TMYL for attending the meeting. They all left the meeting at this point.

93. Members considered that the proposed development was not in line with the planning intention of the "V" zone and its development intensity was considered excessive when compared to the building entitlement under the lease.

94. After deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed development was not in line with the planning intention of the "Village Type Development" ("V") zone which was primarily intended for development of Small Houses by indigenous villagers;
- (b) the development intensity of the proposed development was considered excessive when compared to the building entitlement under the lease;
- (c) there was insufficient information in the submission to demonstrate that the proposed residential development would not have adverse



traffic, drainage and environmental impacts on the surrounding areas;  
and

- (d) approval of the application would set an undesirable precedent for other similar applications within the “V” zone.

**Agenda Item 10**

Review of Application No. A/YL-TT/184

Proposed Temporary Open Storage of Building Materials  
for a Period of 3 Years in “Agriculture” Zone

Lots 1473, 1474(Part), 1475(Part), 1477(Part), 1478(Part),  
1480(Part), 1481(Part), 1482-1516, 1517(Part), 1518-1529 in D.D. 118  
and Adjoining Government Land, Tai Tong, Yuen Long  
(TPB Paper No. 7608)

[The hearing was conducted in Cantonese.]

95. The Chairperson said that reasonable notice of the hearing had been given to the applicant but the applicant had informed the Secretariat that he would not attend or be represented at the review hearing. Members agreed to proceed with the review hearing in the absence of the applicant.

96. Mr. Wilson So, the District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL) of the Planning Department (PlanD), was invited to the meeting at this point.

97. The Chairperson extended a welcome and invited Mr. Wilson So to brief Members on the background to the application.

98. Mr. Wilson So did so as detailed in the Paper and made the following main points:

- (a) the applicant sought planning permission for temporary open storage of building materials on the application site which was zoned “Agriculture” (“AGR”) and had an area of about 1.9ha. No similar application within the “AGR” zone had been approved by the Board;
- (b) on 13.1.2006, the Rural and New Town Planning Committee rejected the application for reasons stated in paragraph 1.2 of the Paper;
- (c) in support of the review, the applicant had submitted further written representation including a revised Drainage Impact Assessment (DIA). The applicant’s justifications were summarized in paragraph 3 of the Paper;
- (d) the Drainage Services Department had technical concerns on the revised DIA. The Transport Department considered that the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas. The Environmental Protection Department also had concern on the potential degradation of the rural character in the surrounding environment and considered that the proposed large-scale open storage use was not desirable from environmental planning viewpoint. A Yuen Long District Council member raised objection to the application on environmental ground; and
- (e) PlanD maintained its view of not supporting the application for reasons stated in paragraph 5.2 of the Paper. According to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Use, the application site fell within Category 3 areas. The application did not comply with the guidelines in that no previous approval had been granted at the application site.

99. As Members had no further question to raise, the Chairperson thanked the DPO/TMYL for attending the meeting. The DPO/TMYL left the meeting at this point.

100. Members considered that the applicant had not provided sufficient justifications to support the application.

101. After deliberation, the Board decided to reject the application on review and the reasons were:

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone on the Outline Zoning Plan (OZP) which was intended primarily to retain and safeguard good quality agricultural land for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous planning approval had been granted at the site and that it was considered not compatible with the surrounding rural character with mainly vacant/fallow agricultural land and well-vegetated slopes;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental, drainage and traffic impacts on the surrounding areas;
- (d) areas were zoned “Open Storage” (“OS”) on the Tai Tong OZP to cater for the use under application. There was insufficient information in the submission to demonstrate why suitable sites within these “OS” zones could not be made available for the proposed development; and
- (e) approval of the application would set an undesirable precedent for other similar uses to proliferate into this “AGR” zone. The cumulative effect of approving such similar applications would result in a general

degradation of the environment of the area.

[Mr. Nelson W.Y. Chan left the meeting at this point.]

**Agenda Item 11**

Draft Quarry Bay Outline Zoning Plan No. S/H21/20

Further Consideration of Objections No. 1 and 2

(TPB Paper No. 7609)

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[The hearing was conducted in English.]

102. The Chairperson said that reasonable notice of the hearing had been given to the objectors but the objector of Objection No. 1 had informed the Secretariat that they would not attend or be represented at the objection hearing. Members agreed to proceed with the further consideration of the objections in the absence of the objector of Objection No. 1.

103. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Ms. Christine Tse - District Planning Officer/Hong Kong  
Ms. Brenda Au - Chief Town Planner/Town Planning Board

104. The following representatives of the objector of Objection No. 2 were invited to the meeting at this point:

Mr. F.K. Au  
Mr. Alan Yip  
Mr. Ian Brownlee  
Mr. Alan Brown  
Ms. Fanny Ng

105. The Chairperson extended a welcome and explained briefly the procedures of the objection hearing. The Chairperson then invited Ms. Christine Tse to brief Members on the background to the objections.

106. With the aid of a PowerPoint presentation, Ms. Christine Tse did so as detailed in the Paper and made the following main points:

The Objections

- (a) there were two objections to the draft Quarry Bay Outline Zoning Plan No. S/H21/20 (the OZP), relating to three amendments incorporated in the OZP: (i) revision to the covering Notes to clarify the planning intention with respect to “existing use” (“EU”) in the urban context; (ii) addition of the definition of “existing building” (“EB”) in the covering Notes; and (iii) refinement to the planning intention in the Notes for the “Open Space” (“O”) zone to clearly set out the space for recreational uses in this zone was public space;
- (b) Objection No. 1 was raised by the owners in Taikoo Shing (TKS) represented by TKS (Management) Limited only against the planning intention of the “O” zone. The objector proposed to withdraw the amendment to the planning intention of the “O” zone;
- (c) Objection No. 2 was raised by Swire Properties Limited represented by Johnson Stokes & Master against all the three amendments. The objector considered that the Board should withdraw the amendments with respect to the definitions of “EU” and “EB” or the Board should redefine “EU” to include a use approved under the Buildings Ordinance (BO) in respect of an “EB”. On the planning intention of the “O” zone, the objector’s proposal was the same as that of Objection No. 1. The objector opined that if the Board had no intention to change the planning intention of the “O” zone, they could work with the Board or PlanD with a view to withdrawing its objection;

Definitions of “EU” and “EB”

- (d) after giving preliminary consideration to the objections on 3.9.2004, the Board decided not to uphold the two objections. In October 2004, the objectors proposed to defer the hearing of the objections pending the Board’s hearing of similar objections raised by the Real Estate Developers Association of Hong Kong (REDA) in respect of other 11 draft OZPs;
- (e) upon giving further consideration to REDA’s objections on 4.2.2005, the Board decided to partially meet the objections by amending the definition of “EB” in the relevant OZPs, but decided not to uphold the remaining part of the objections in respect of the definition of “EU” and the planning intention of the “O” zone. Seven of the 11 draft OZPs were subsequently submitted to and approved by the Chief Executive in Council. In accordance with the previous decision of the Board, the PlanD proposed to amend the definition of “EB” in the covering Notes of the draft Quarry Bay OZP to partially meet Objection No. 2;

Planning Intention of the “O” Zone

- (f) during the hearing of REDA’s objections, the Board agreed that the planning intention of the “O” zone should not be amended as the zone had always been designated for enjoyment of the general public or local residents. However, the Board requested the PlanD to separately review the “O” zones covering private land on OZPs, and to rezone them to other more appropriate zoning when opportunity arose if there was no intention to develop them as public open spaces even in the long term;
- (g) the PlanD had reviewed the “O” zones on the draft Quarry Bay OZP. There were 21 “O” sites in the area, of which 11 were under

Government ownership and 10 were privately owned. The findings of the review were as detailed in paragraphs 4.3 to 4.10 of the Paper. 8 of the 10 privately owned sites were located within private residential developments, namely TKS, Nam Fung Sun Chuen (NFSC) and Kornhill. These open spaces were managed and maintained by lot owners and were not required to be open for public use under the lease. In view of the Board's previous decision on 4.2.2005, it was proposed to rezone these 8 private "O" sites to "Open Space (1)" ("O(1)") to partially meet the two objections. The planning intention of this zone was primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents. A new set of Notes for the "O(1)" zone was proposed taking account of the local circumstances. The objector of Objection No. 1 had submitted a letter to indicate their support to the proposal, which was tabled at the meeting;

#### Development at 14-16 Westlands Road

##### *Further Representation by Objector of Objection No. 2*

- (h) the objector of Objection No. 2 had submitted further representation mainly in respect of a site at 14-16 Westlands Road (the WR Site). The WR Site was previously zoned "Commercial" ("C") (Pink Area), "O" (Green Area) and "Commercial/Residential" ("C/R") (Yellow Area) without any development restriction. In April 2003, a set of building plans for a 70-storey office building with a total gross floor area (GFA) of 144,424m<sup>2</sup> (i.e. equivalent to a plot ratio of 14.142 if the entire site was counted as the site area) was approved. The whole building fell within the "C" portion, with the development potential of the "O" and "C/R" portions being transferred to the "C" portion;
- (i) in August 2003, the draft Quarry Bay OZP was amended to include a maximum plot ratio of 15 for the "C" zone and to rezone the Yellow

Area from “C/R” to “O”. The objector considered that the “O” zoning for the Yellow Area was misleading and inappropriate as it was privately owned and was not required for public use under the lease. There was no need to zone it “O” as there was sufficient provision of open space in TKS. The current zonings of the WR Site would create a wrong impression to the public that the Pink Area had an excessive plot ratio exceeding 15 (i.e. if only the Pink Area was counted as the site area, the plot ratio would be about 28), and that the Yellow Area was publicly owned or the public had a right of access to it. The objector proposed to rezone the WR Site to a sub-zone of “C”, or an appropriate zoning, subject to a maximum GFA of 144,424m<sup>2</sup> as in the approved building plans;

- (j) the objector submitted a further letter on 22.6.2006, which was tabled at the meeting. The objector considered that the “O(1)” zoning proposed by the PlanD to meet the objection was inappropriate. If the Board did not agree to the new subzone of “C”, an alternative was to rezone the Yellow Area and other similar areas to a new “O(2)” zone with planning intention that it was primarily for private open space for landscape and recreational use which formed part of the commercial development at the WR Site. The objector was also concerned about its right to develop the WR Site in accordance with the approved building plans;

*PlanD's Views*

- (k) the planning intention of the Green and Yellow Areas were for open space use. They were currently used as sitting-out area and putting green for use by local residents, integrating with the open space extending from TKS Road to Quarry Bay Park. According to the latest TKS Master Development Plan (MDP) under the lease, the two areas were reserved for open space and landscaped/recreational uses and their development potential had been utilized for the WR Site development and might not be used again for TKS. Therefore, the



PlanD proposed to rezone the two areas to “O(1)” to reflect the current use of the areas and ensure that the areas would be used as open space for enjoyment of local residents. The objector’s proposal to rezone them to a subzone of “C” would contradict the said planning intention and was not in line with the Board’s decision made during the hearing of the previous objection against the rezoning of the WR Site in March 2004. The “O(2)” zoning proposed by the objector and its planning intention were also not appropriate as the Yellow and Green Areas were part of TKS and currently used as open spaces for local residents; and

- (1) in accordance with the Practice Note for Professional Persons No. 3/2001, the PlanD had not recommended rejection of the objector’s minor amendments to the approved building plans under the BO. Therefore, the current “O” zoning or the proposed “O(1)” zoning would not affect the approved office development at the WR Site, which could proceed in accordance with the approved building plans.

107. The Chairperson then invited the objector’s representatives to elaborate on the application.

108. Referring to a submission tabled at the meeting, Mr. F.K. Au made the following main points:

- (a) their representation would concentrate on the issues relating to the “O” zone. The WR Site comprised a Pink Area zoned “C”, a Green Area zoned “O” and a Yellow Area previously zoned “C/R”. The objector had raised objection to the Board when the Yellow Area was previously rezoned to “O”. A set of building plans for a 70-storey office building with a total GFA of about 1.5 million ft<sup>2</sup> had been approved on the WR Site. The three areas formed a single site and the objector chose to erect the building on the Pink Area. The plot ratio of the office development was slightly above 14 based on the whole WR Site, but if only the Pink Area was counted as the site area,

the plot ratio would be about 28. The public got an impression that the objector had obtained an excessive plot ratio, which was not true;

- (b) the current planning intention of the “O” zone stated that the zone was intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. This was not correct description for all open spaces because some were not public spaces;
- (c) there were three Categories of open spaces. Category 1 was those which had to be open to the public, e.g. Government parks and open spaces on private land which had to be open to the public under the lease. Category 2 was those in private multiple ownership and intended for enjoyment by residents within private residential development, e.g. open spaces in TKS, NFSC and Kornhill. Category 3 was those in private and single ownership, where the general public and local residents were not entitled to use it, e.g. the open space at the WR Site;
- (d) the “O(1)” zoning proposed by the PlanD was appropriate for the open spaces in TKS, NFSC and Kornhill but not for the open space at the WR Site. The WR Site was in private and single ownership and the Yellow Area was not required to be open to the public or local residents under the lease. While the objector had not fenced off the site, it had no obligation to open this area for use by local residents. Moreover, there was sufficient open space provision in TKS in accordance with the Hong Kong Planning Standards and Guidelines. The Director of Leisure and Cultural Services had no strong view on the objector’s previous objection to the rezoning of the Yellow Area from “C/R” to O” so long as the area was within private land. The “O(1)” zoning was misleading to the public in that its planning intention stated that the zone was to serve the needs of local residents, but in fact local residents had no right to use it; and

- (e) a new subzone of “C” was proposed for the WR Site with a maximum GFA of 144,424m<sup>2</sup> as in the approved building plans, to reflect the factual situation. If this was unacceptable, the Board was invited to consider rezoning the Yellow Area to “O(2)” and state in its planning intention that the area formed part of the commercial development at the WR Site.

109. In response to a Member’s question, Mr. Alan Brown and Mr. F.K. Au said that the Yellow Area was an integral part of the WR Site. Currently, the objector had no intention to fence off the Area to prohibit the use by local residents as this might not be desirable from visual viewpoint. However, as a matter of legal right, they had the right to change their practice in future.

110. In response to questions from the Chairperson and a Member, Ms. Christine Tse said that the Yellow Area was reserved for open space and landscaped/recreational uses under the latest TKS MDP under the lease. The Green Area was zoned “O” on the previous versions of the OZP.

111. As the objector’s representatives had no further comment to make and Members had no further question to raise, the Chairperson informed the objector’s representatives that the hearing procedures for the review had been completed and the Board would further deliberate on the objections in their absence and inform the objector of the Board’s decision in due course. The Chairperson thanked the objector’s representatives and PlanD’s representatives. They all left the meeting at this point.

112. The Chairperson said that in relation to the objector’s concern that the open space at the WR Site was not public space, the planning intention of the proposed “O(1)” zoning clearly stated that the zone was primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents, i.e. the reference to “public” and “the general public” in the existing planning intention of the “O” zone were deleted. Noting that the Green and Yellow Areas of the WR Site were currently used as a sitting-out area and putting green for the use of local residents, and were reserved for open space and landscaped/recreational uses under the

latest TKS MDP, the proposed “O(1)” zoning and its planning intention would be suitable for these two areas. The objector’s proposed office building at the WR Site would not be affected by the proposed “O(1)” zoning. The “O(2)” zoning proposed by the objector to only cater for the open space at the WR Site was considered not appropriate. Members shared the same view.

#### Objection No. 1

113. After deliberation, the Board decided to propose amendments to the Plan to partially meet the objection by rezoning the “O” sites within TKS, NFSC and Kornhill to “O(1)” as shown on Plan No. O/S/H21/20-A at Annex X of the Paper and incorporating a set of Notes for the “O(1)” zone as indicated in Annex Y of the Paper.

#### Objection No. 2

114. After deliberation, the Board decided to propose amendments to the Plan to partially meet the objection by amending the definition of “EB” in the covering Notes as indicated in Annex Z of the Paper, rezoning the “O” sites within TKS, NFSC and Kornhill to “O(1)” as shown on Plan No. O/S/H21/20-A at Annex X of the Paper, and incorporating a set of Notes for the “O(1)” zone as indicated in Annex Y of the Paper.

115. The Board also decided not to propose any amendment to the Plan to meet the remaining part of the objection and the reasons were:

- (a) it had all along been the planning intention that paragraph (3)(c) of the covering Notes was to allow an owner to continue the actual use of any existing land or building or to continue the use of an existing building as approved under the Buildings Ordinance (BO). A use shown in the building plans approved under the BO for a proposed building should not be regarded as an existing use as the building was not yet in existence. The current amendments to the covering Notes were only to clarify the intention;
- (b) the owner’s right to develop land in accordance with the building

plans approved under BO and to make minor amendments to the approved building plans would not be affected by the amendments. A development proposal with approved building plans could proceed and would not be affected by a new zoning restriction, unless major amendments were made to the approved building plans. Moreover, for a development proposal which was the subject of a planning permission, the development was deemed commenced once approval of building plans was obtained. Minor amendments to any approved development proposal would be processed in accordance with the established practice; and

- (c) the incorporation of the definition of “existing building” in the covering Notes was to ensure that the owner of any illegal structure would not be able to claim “existing use” right and the structure would not be included in determining the existing building bulk.

### **Agenda Item 12**

Draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/22  
Information Note and Hearing Arrangement  
for Consideration of Representations and Comments  
(TPB Paper No. 7610)

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[Open meeting. The meeting was conducted in Cantonese.]

116. The Secretary briefly introduced the Paper. On 3.3.2006, the draft Aberdeen and Ap Lei Chau Outline Zoning Plan No. S/H15/22 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a valid representation was received. On 12.5.2006, the representation was published for three weeks for public comments. No comment was received on the representation. As there was only one representation, it was considered more efficient for the full Board to hear the representation without resorting to the appointment of a Representation Hearing Committee. The hearing could be accommodated in the Board’s regular meeting.

117. After deliberation, the Board agreed that the representation to the OZP should be considered by the full Board in its regular meeting. Consideration of the representation was scheduled for 14.7.2006.

### **Agenda Item 13**

Submission of the Draft Nam Sang Wai  
Outline Zoning Plan No. S/YL-NSW/7A  
under Section 8 of the Town Planning Ordinance  
to the Chief Executive in Council for Approval

(TPB Paper No. 7617)

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[Open meeting. The meeting was conducted in Cantonese.]

118. The Secretary briefly introduced the Paper.

119. After deliberation, the Board:

- (a) agreed that the draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/7A and its Notes at Annexes A and B of the Paper were suitable for submission under section 8 of the Town Planning Ordinance (the Ordinance) to the Chief Executive in Council (CE in C) for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Nam Sang Wai OZP No. S/YL-NSW/7A at Annex C of the Paper as an expression of the planning intention and objectives of the Town Planning Board for various land-use zones on the draft OZP; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 14**

Any Other Business

[Open meeting. The meeting was conducted in Cantonese.]

120. There being no other business, the meeting was closed at 6:35 p.m.